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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:)	AWA Docket No. 16- <u>0132</u>
)	16-0133
MARLA CAMPBELL ROGER)	16-0134
CAMPBELL, a Kansas general partnership;)	
MARLA CAMPBELL, an individual; and)	
ROGER CAMPBELL, an individual,)	
)	
Respondents.)	COMPLAINT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*)(AWA or Act), and the regulations thereunder (9 C.F.R. Parts 1 and 2)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Marla Campbell Roger Campbell is a Kansas general partnership (Campbell Partnership) whose business mailing address is 266 90th, Newton, Kansas 67114. Marla Campbell and Roger Campbell are the partners in the Campbell Partnership. At all times mentioned herein, respondent Campbell Partnership was a dealer as that term is defined in the Act and the Regulations, and held AWA license number 48-A-1549.

2. Marla Campbell is an individual whose business mailing address is 266 90th, Newton, Kansas 67114. At all times mentioned herein, said respondent was a dealer as that term is defined in the Act and the Regulations, and was a partner in the Campbell Partnership.

3. Roger Campbell is an individual whose business mailing address is 266 90th,

Newton, Kansas 67114. At all times mentioned herein, said respondent was a dealer as that term is defined in the Act and the Regulations, and was a partner in the Campbell Partnership.

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF ALLEGED
VIOLATIONS AND GOOD FAITH

4. Respondents reported to APHIS receipt of \$103,047 from the sale of 321 animals in 2013-2014, and \$108,364 from the sale of 299 animals in 2014-2015. The alleged violations herein include numerous and repeated failures to meet the minimum requirements for the provision of veterinary care, and housing and husbandry for dogs. On September 23, 2013, the Campbell Partnership entered into a Settlement Agreement with APHIS and was assessed \$6,643 in civil penalties to resolve alleged violations stemming from inspections on November 27, 2012, February 5, 2013, April 1, 2013, and May 2, 2013.

ALLEGED VIOLATIONS

5. On or about February 10, 2015, and June 29, 2015, respondents failed to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection, in willful violation of the Act and the Regulations. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126.

6. On or about July 7, 2014, and November 17, 2014, respondents failed to make, keep and maintain accurate and complete records of 18 and 4 dogs respectively, in willful violation of the Regulations. 9 C.F.R. §§ 2.75(a)(1)(i), 2.75(a)(1)(iv)(C).

7. On or about the following dates, respondents failed to provide adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or

daily observation of animals, in willful violation of the Regulations, as follows:

- a. January 22, 2014. A female basset hound with no identification was observed to have a cloudy, red, and enlarged right eye, with discharge on the skin. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- b. January 22, 2014. A male pug (048 125 591) was observed limping and holding the left rear leg up as he walked. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- c. July 7, 2014. A female, red and white dachshund (067 370 314) had hair loss on her face, and the area with the hair loss was moist with creamy discharge. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- d. July 7, 2014. A female basset hound with no identification was observed to be squinting and had a cloudy, pink left eye, with discharge around the eyelids. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- e. July 7, 2014. An adult female white Jack Russell terrier (4533242720) had hair loss on her face and the exposed skin was pink and scabby, and she also had dark debris coating several upper-right teeth and a red gum line and cheek, with white discharge. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- f. November 17, 2014. A male black and white Miniature Australian Shepherd with no identification (Milo) had a heavy coating of dark brown matter on his cheek teeth on both sides of his mouth extending into the gum line, his gums were red and inflamed with a creamy white discharge at the gum line, and one tooth on the right was loose. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- g. November 17, 2014. An adult female white Jack Russell terrier (012298277) had a red, moist, hairless open wound on the right side of her upper neck

and cheek area and she had not received veterinary medical care. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

h. March 24, 2016. An adult male brown dachshund (067538814) had a thick buildup of tartar on his premolar and molar teeth, the gums over the teeth were red and receded away from the teeth, there was a creamy discharge at the gum line of some teeth, and there was one loose upper incisor tooth. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

i. March 24, 2016. An adult female black and white French bulldog (093577310) was diagnosed with keratitis sicca on January 21, 2016, by respondents' attending veterinarian and prescribed treatment, but respondents failed to follow the treatment plan, and the dog's left eye was red, and had a thick green colored discharge on the cornea and a hazy appearance. 9 C.F.R. § 2.40(b)(2).

8. On or about the following dates, respondents failed to identify the following live dogs on the premises as required, in willful violation of section 2.50(a)(1) of the Regulations. 9 C.F.R. § 2.50(a)(1):

a. January 22, 2014. Respondents failed to identify one female basset hound.

b. July 7, 2014. Respondents failed to identify two Australian Shepherd dogs and one adult basset hound.

c. November 17, 2014. Respondents failed to identify three live dogs.

9. On or about the following dates, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum standards for dogs:

a. July 7, 2014. Respondents failed to construct three wire gates bordering enclosures containing six dogs so that the gates closed securely. 9 C.F.R. § 3.1(a).

b. July 7, 2014. Respondents failed to ensure that housing facilities for dogs

were free of excessive rust, and specifically, there was excessive rust on the lower portion of six galvanized metal wire divider fencing panels between enclosures housing 14 dogs. 9 C.F.R. § 3.1(c)(1)(i).

c. July 7, 2014. The interior fiberglass wallboard in an enclosure housing two dogs had an area of missing fiberglass with a jagged, sharp edge. 9 C.F.R. §§ 3.1(a), 3.1(c)(2).

d. July 7, 2014. There was a mixture of dirt, grease, and excreta on a fiberglass wallboard and on six metal entryway doors in two shelters housing 13 dogs. 9 C.F.R. § 3.1(c)(3).

e. July 7, 2014. Five enclosures housing five dogs had dried, caked fecal residue and other debris on the majority of the cement flooring. 9 C.F.R. § 3.11(a).

f. November 17, 2014. Respondents failed to ensure that housing facilities were structurally sound and were kept in good repair, 9 C.F.R. § 3.1(a), and specifically:

i. The metal clips used to secure the fencing in one enclosure had torn through the bottom of the divider fencing creating a gap between the fencing and the enclosure flooring;

ii. A gap existed between the enclosure fencing and enclosure frame on one enclosure affecting one dog; and

iii. A wire gate did not close securely against enclosure fencing, and there was a gap when dogs jumped on the gate, affecting two dogs.

g. November 17, 2014. There was carpeting in one enclosure with shredded ends. 9 C.F.R. § 3.1(c)(2).

h. November 17, 2014. There was a brown, greasy substance on four metal-

door food receptacles used by eight dogs. 9 C.F.R. § 3.9(b).

i. November 17, 2014. Four enclosures had dried, caked fecal residue and other debris on a portion of the cement flooring, affecting four dogs. 9 C.F.R. § 3.11(a).

j. April 1, 2015. Respondents failed to maintain surfaces and specifically, the carpet square in three enclosures were torn and had shredded ends, affecting three adult dogs and four puppies. 9 C.F.R. § 3.1(c)(2).

k. April 1, 2015. The expanded metal flooring in one enclosure affecting one dog had a gap in the flooring. 9 C.F.R. § 3.6(a)(1).

l. August 4, 2015. There was a buildup of dried mud on 10 shelters in the outdoor housing facility. 9 C.F.R. § 3.1(c)(3).

m. August 4, 2015. Two shelters housing three boxer dogs in one outdoor enclosure were not as tall as the dogs. 9 C.F.R. § 3.4(b).

n. August 4, 2015. There were weeds higher than three feet around the outside perimeter of five of the outdoor housing facility enclosures. 9 C.F.R. § 3.11(c).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the respondents, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter be conducted in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act and

warranted under the circumstances.

Done at Washington, D.C.
this 15th day of July 2016


Kevin Shea
Administrator
Animal and Plant Health Inspection Service

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